

**TORRES | TORRES-STALLINGS AND ASSOCIATES  
A PROFESSIONAL LAW CORPORATION**

David A. Torres, SBN135059  
1318 K. Street  
Bakersfield, CA 93301  
Tel: (661) 326-0857  
Email: dtorres@lawtorres.com

Attorney for Defendant,  
Eleno Fernandez Garcia

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
ELENO FERNANDEZ GARCIA,  
  
Defendants.

Case No. 1:20-CR-00138-NONE-SKO

**SUPPLEMENTAL SENTENCING  
MEMORANDUM ON BEHALF OF  
DEFENDANT ELENO FERNANDEZ  
GARCIA**

**I.**

**CASE STATUS**

In the original memorandum filed (Dkt. No. 31), defense counsel stated the following:

“As such, the defense is in accord with the comment by USPO Mora (PSI, pg. 4) and does not believe the defendant is under any obligation to refrain from seeking an additional two-level reduction when the Act is amended. Moreover, apart from this issue, the defendant does believe the Court may consider further reduction in sentence based upon 18 USC §3553(a) factors. set forth, below.” (Defendant’s Sentencing Memorandum, page 2 lines 17-21)

After reviewing previous email exchanges between myself and the prosecution, Mr. Eleno Fernandez Garcia agrees not to seek an additional two-level reduction when and if the Sentencing Guidelines adopt the First Act Provisions.

**II.**

**IN LIGHT OF ALL FACTUAL CIRCUMSTANCES, MR. FERNANDEZ IS ENTITLED  
TO A MITIGATING ROLE REDUCTION**

The defense seeks a role reduction based upon the overall circumstances of the case. There is no evidence providing satisfactory proof that Mr. Fernandez Garcia was either the mastermind and/or primary financier of the marijuana operation. It appears Mr. Garcia was a worker transported to the garden site to tend to its maintenance. In fact, at the time of his arrest, Garcia was found in possession of a cell phone, \$629.50 in cash and trimming shears. (Dkt. 28, PSI pg. 5, ¶7)

**III.**

**CONCLUSION**

Based upon the foregoing, the court is asked to consider a further reduction in sentencing.

Respectfully Submitted,

DATED: August 16, 2021

/s/ David A Torres  
DAVID A. TORRES  
Attorney for Defendant  
Eleno Fernandez Garcia